

REMARKS

The Examiner rejected claims 1, 2 and 7-9 under 35 U.S.C. 102(b) as being anticipated by Gibson, rejected claims 1, 7 and 8 under 35 U.S.C. 102(e) as being anticipated by Everett et al, and rejected claim 2 under 35 U.S.C. 103(a) as being unpatentable over Everett et al in view of Gibson.

First Applicants respectfully object to the prolix prosecution of this case – this is the fourth Office Action in this case and the third after Applicants amended some claims for clarity. In each case the Examiner has cited different references. 37 C.F.R. §1.104 and M.P.E.P. §706.02 indicate that it is the Examiner's responsibility to assure a thorough examination in the first instance so prosecution is not unduly prolonged. Certainly such prolix prosecution adds an unnecessary burden on Applicants, from both a time and financial standpoint, which is unjustified. However in response to this further *non-final* Office Action, Applicants respectfully traverse these improper and nonobvious conclusions by the Examiner.

Gibson discloses a graphic interface using visual images for mixing sound where a perspective view of a three dimensional room with left and right speakers is shown to closely simulate the aural environment of a recording engineer, and the various sound channels are represented by predefined visual images (spheres).

First Gibson is not a surround sound display for it does not show a sound stage that encompasses speakers that are behind the listener. Second Gibson does not show a correlation meter scale for each sound channel that has a corresponding sound channel which forms a stereo sound source – the X-axis of Fig. 5 is not a correlation meter scale but merely is shown “for convenient reference.” Third Gibson does not

have any markers related to its non-existent correlation meter scale – the radial size of the sphere is correlated to the apparent space between the speakers taken up by a sound in the mix and, since bass instruments take up more space in the mix than treble instruments, is correlated to frequency. Thus claim 1 is deemed to be allowable as being neither anticipated nor rendered obvious to one of ordinary skill in the art by Gibson.

Claims 7-9 recite that the markers are (7) a pointer for each sound channel, (8) a fill area spanning the correlation meter scales, and that (9) the thickness of the fill area indicates amplitude. There are no pointers in Gibson, there is no fill area spanning non-existent correlation meter scales in Gibson, and there is no thickness of a non-existent fill area as a representation of amplitude in Gibson. Therefore claims 7-9 also are deemed to be allowable as being neither anticipated nor rendered obvious to one of ordinary skill in the art by Gibson. Claim 2 further is deemed to be allowable as depending from claim 1 deemed to be allowable.

Everett et al disclose an audio-video signal processor having an on-screen multi-format monitor, one of the formats representing audio information in the form of a conventional bar graph. Such a bar graph is NOT a sound stage image, as such an image indicates the location of a listener with respect to the different sound sources or speakers. Further the scales shown in Everett et al are amplitude meters, not correlation meter scales, and since there are no correlation meter scales there also are no markers related to such non-existent correlation meter scales. Thus claim 1 is deemed to be allowable as being neither anticipated nor rendered obvious to one of ordinary skill in the art by Everett et al.

To say that "the edge of the marker is the pointer" is to completely twist the plain meaning of the word "pointer" as described in the specification and in common English usage. A pointer is a line with some direction indicator. Such is not shown in Everett et al, and thus claim 7 also is deemed to be allowable. Likewise conventional bar graphs are not equivalent to a fill area as described in the specification, and certainly the bar graphs do not span non-existent correlation meter scales. Thus claim 8 further is deemed to be allowable, as is claim 9 dependent therefrom.

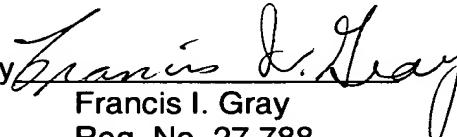
In view of the foregoing remarks allowance of claims 1-15 is urged, and such action and the issuance of this case are requested.

Respectfully submitted,

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